

Message Text

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ACTION OFA-01

INFO OCT-01 ARA-10 ISO-00 DLOS-04 CIAE-00 COME-00 EB-07

INR-07 LAB-04 NSAE-00 SIL-01 AID-05 CG-00 DOTE-00

CIEP-02 INT-05 IO-10 JUSE-00 NSF-02 OES-05 OMB-01

DODE-00 PM-04 H-02 L-03 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 TRSE-00 SCSE-00 SCA-01 ACDA-10 /125 W
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R 131908Z AUG 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 7063

UNCLAS SECTION 1 OF 3 NASSAU 1306

E.O. 11652: N/A

TAGS: EFIS, BF

SUBJ: SPINY LOBSTER NEGOTIATION - JOINT PRESS RELEASE

1. THE FOLLOWING JOINT PRESS RELEASE WITH ATTACHMENTS WAS
MADE TODAY FOLLOWING THE FIRST NEGOTIATION SESSION ON THE SPINY
LOBSTER PROBLEM:

US/BAHAMAS TALKS ON THE SPINY LOBSTER

JOINT PRESS RELEASE

DISCUSSIONS WERE OPENED TODAY AT THE MINISTRY OF EXTERNAL
AFFAIRS IN NASSAU BETWEEN REPRESENTATIVES OF THE GOVERNMENT OF
THE COMMONWEALTH OF THE BAHAMAS AND THE GOVERNMENT OF THE UNITED
STATES OF AMERICA REGARDING SPINY LOBSTER. THE TWO GOVERNMENTS
INTEND TO EXPLORE THE IMPLICATIONS FOR UNITED STATES FISHERMEN
OF THE RECENT BAHAMIAN LAW AND DECLARATION CONCERNING SPINY
LOBSTER.

THE BAHAMIAN DELEGATION TO THESE TALKS IS HEADED BY THE HON-
OURABLE PAUL ADDERLEY, MINISTER OF EXTERNAL AFFAIRS AND ATTORNE
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GENERAL AND THE UNITED STATES DELEGATION IS HEADED BY THE

HONOURABLE DAVID H. WALLACE, ASSOCIATE ADMINISTRATOR FOR MARINE RESOURCES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE.

THE OPENING SESSION CONSISTED BASICALLY OF STATEMENTS BY THE LEADERS OF THE TWO DELEGATIONS. (COPIES OF WHICH ARE ATTACHED.) FOLLOWING THESE STATEMENTS IT WAS AGREED THAT THE TALKS WOULD RECESS UNTIL THURSDAY, 14 AUGUST AT 10:30 AM WHEN THE U. S. DELEGATION WOULD PRESENT DETAILED PROPOSALS.

THE DISCUSSIONS STARTED IN A FRANK AND FRIENDLY ATMOSPHERE AND AS THE HONOURABLE PAUL ADDERLEY SAID IN HIS OPENING REMARKS "....BOTH OUR COUNTRIES HAVE ALWAYS APPROACHED ANY PROBLEMS WHICH HAVE ARISEN, AND DEALT WITH MATTERS OF COMMON INTEREST, IN A SPIRIT OF GOOD NEIGHBOURLINESS AND FRIENDSHIP..."

OPENING REMARKS BY THE MINISTER OF EXTERNAL AFFAIRS ON THE OCCASION OF FISHERIES TALKS BETWEEN REPRESENTATIVES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, AUGUST 13, 1975

I WISH TO EXTEND TO THE DELEGATION REPRESENTING THE GOVERNMENT OF THE UNITED STATES OF AMERICA A CHARACTERISTICALLY FRIENDLY BAHAMIAN WELCOME TO THE BAHAMAS WHICH WE IMMODESTLY BELIEVE TO BE THE MOST BEAUTIFUL ARCHIPELAGO IN THE WORLD AND HOPE THAT WHILE YOU ARE WITH US YOU WILL HAVE AN OPPORTUNITY TO ENJOY OUR CLIMATE AND OUR MARINE ATTRIBUTES WHICH WE CONSIDER UNIQUELY BAHAMIAN. PERHAPS YOU MAY EVEN BECOME SO INTOXICATED BY THE BEAUTIES OF THE BAHAMAS THAT UPON YOUR RETURN TO THE UNITED STATES YOU WILL BECOME OUR UNOFFICIAL AMBASSADORS AND DEFENDERS OF THE BAHAMIAN SPINY LOBSTER.

THE BAHAMAS GOVERNMENT IS ALWAYS PREPARED AND WILLING TO DISCUSS WITH YOUR GOVERNMENT MATTERS WHICH ARE OF INTEREST TO BOTH OF US AND WHEREVER POSSIBLE IF LEGITIMATE PROBLEMS ARISE BETWEEN US TO WORK TOWARDS AN UNDERSTANDING AND RESOLUTION OF SUCH MATTERS. WE ARE PLEASED TO BE ABLE TO AGREE TO THE REQUEST OF YOUR GOVERNMENT FOR DISCUSSIONS TO DETERMINE WHETHER THERE IS A BASIS FOR AN AGREEMENT BETWEEN US UNDER THE AMENDED FISHERIES ACT WHICH GIVES THE GOVERNMENT THE AUTHORITY TO ENTER INTO SUCH

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AN AGREEMENT WITH A FOREIGN STATE PROVIDED THAT THE GOVERNMENT CONSIDERS THAT IT IS IN THE NATIONAL INTEREST TO DO SO.

IT IS NOW WELL KNOWN THAT IT WAS THE PASSAGE OF AMENDMENTS TO THE FISHERIES ACT LAST YEAR AND ITS IMPLEMENTATION BY THE ORDER PUBLISHED BY THE MINISTER OF AGRICULTURE AND FISHERIES IN JULY DECLARING THE SPINY LOBSTER A CREATURE OF THE CONTINENTAL SHELF OF THE BAHAMAS WHICH GAVE RISE TO THESE DISCUSSIONS.

IT WILL ALSO BE KNOWN TO YOU THAT SINCE OFFICIALS OF OUR TWO GOVERNMENTS LAST DISCUSSED FISHERIES PROBLEMS IN 1969, THE BAHAMAS HAS BECOME INDEPENDENT AND FROM THAT EVENT ALMOST INEVITABLE CONSEQUENCES HAVE FLOWED ON ACCOUNT OF THE GEOLOGY AND GEOGRAPHY OF THE BAHAMAS AND THE GOVERNMENT'S FUNDAMENTAL DECISION TO PURSUE THE DEVELOPMENT OF THE BAHAMAS BY THE EXPLOITATION OF ITS NATURAL RESOURCES ON LAND AND IN THE SEA.

I THINK IT IMPORTANT THAT THERE SHOULD BE COMPLETE UNDERSTANDING ON YOUR PART OF THE CONCEPTION OF THE BAHAMAS WHICH WE HAVE AND THE FRAMEWORK WITHIN WHICH ANY DISCUSSION OF WHAT OUR BAHAMIAN NATURAL RESOURCES ARE OUGHT TO BE PURSUED.

TO US, THE BAHAMA BANKS ARE SOMETHING MORE THAN A UNIQUE GEOLOGICAL PHENOMENA, AND SOMETHING MORE THAN THE CONVENTIONAL CONTINENTAL SHELF, BUT AN INTEGRAL PART OF THE BAHAMIAN ARCHIPELAGO. THE GOVERNMENT HAS DECIDED AS A MATTER OF POLICY TO HAVE THE ARCHIPELAGIC PRINCIPLE APPLIED IN DETERMINING THE JURISDICTION OF THE BAHAMAS AND THIS IS A CONCEPTION WHICH REFLECTS AN AWARENESS BY US OF THE IMPORTANCE TO US OF THE SEA AND ITS RESOURCES. THERE IS IN THE PRE-INDEPENDENCE WHITE PAPER A SINGLE SENTENCE DRAMATISING THIS DETERMINATION WHICH READS "THE COMMONWEALTH OF THE BAHAMA ISLANDS HAS NO KNOWN NATURAL MINERAL RESOURCES AND SO THE RESOURCES OF THE SEA ASSUME ESPECIAL IMPORTANCE FOR THE CONTINUED ECONOMIC VIABILITY OF OUR COUNTRY."

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TO SECSTATE WASHDC 7064

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HISTORY AND GEOGRAPHY HAS CREATED A PSYCHOLOGICAL BOND OF UNITY IN THESE ISLANDS, AND SO BAHAMIANS HAVE NEVER REGARDED ANY OF THEM AS A SEPARATE ENTITIES BUT EACH AS AN INTEGRAL PART OF THE WHOLE. FROM GRAND BAHAMA IN THE NORTH TO INAGUA IN THE SOUTH, ALL OF THE ISLANDS DOTTING THIS VAST AREA OF SEA FORM THE BAHAMAS AS BAHAMIANS UNDERSTAND AND ACCEPT IT.

WE SEE THE ENTIRE AREA WHETHER LAND OR SEA AS A SINGLE GEOGRAPHICAL, ECONOMIC AND POLITICAL ENTITY. INDEED BAHAMIANS HAVE ALWAYS SEEN THE WATERS AS PART OF THEIR HERITAGE, EVEN THOUGH SOME ARE AREA OF HIGH SEAS AS DEFINED BY INTERNATIONAL LAW.

THE DELIMITATION OF THE BOUNDARIES OF THE COMMONWEALTH OF THE BAHAMAS TAKE ON SPECIAL SIGNIFICANCE WITH RESPECT TO THE BAHAMA BANKS, AS THE BASE ON WHICH THE NATURAL ISLAND FORMATIONS REST QUITE APART FROM THE LEGAL CHARACTER OF THE SHALLOW WATERS ABOVE THEM. THE BAHAMA BANKS IN THEMSELVES FORM A CONNECTING FACTOR, SINCE ALL OF THE BAHAMAS REST ON THIS HUGE BASE. IN FACT THE WATERS OF THE BANKS WHICH LINK UP THE ISLANDS ARE SO SHALLOW THAT ONE CAN CLEARLY UNDERSTAND WHY BAHAMIANS HAVE TRADITIONALLY REGARDED THE BANKS AS INTRINSICALLY BAHAMIAN.
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IT WAS IN THIS CONTEXT THAT THE BAHAMAS' DELEGATION TO THE RECENT LAW OF THE SEA CONFERENCE CALLED FOR AN INTERNATIONALLY ACCEPTABLE FORMULA FOR THE DETERMINATION OF THE CRITERIA FOR THE DRAWING OF BASELINES BEFITTING PECULIAR CIRCUMSTANCES SUCH AS THE BAHAMA BANKS AND IN THIS REGARD IT WAS WITH THE HELPFUL CO-OPERATION OF YOUR GOVERNMENT AMONG OTHERS THAT SUCH A FORMULA HAS BEEN INCLUDED IN THE SINGLE NEGOTIATING TEXT PRODUCED BY THE GENEVA LAW OF THE SEA CONFERENCE THIS YEAR. INDEED WE WERE BOTH ABLE TO AGREE WITH THE CONTENT AND SPIRIT OF ALL THE DRAFT ARTICLES ON ARCHIPELAGOS.

THE ESSENCE OF THE ARCHIPELAGIC CONCEPT IS THE DOMINION AND SOVEREIGNTY OF THE ARCHIPELAGIC STATE WITHIN THE BASELINES, WHICH ARE SO DRAWN TO PRESERVE THE TERRITORIAL INTEGRITY OF THE WHOLE BY THE INSEPARABLE UNITY OF THE LAND AND WATER DOMAIN. THE PRESERVATION OF THIS ESSENCE OF THE ARCHIPELAGIC CONCEPT IS VITAL TO THE BAHAMAS AND CONSTITUTES THE MOST VITAL ELEMENT IN ITS FOREIGN POLICY.

BUT QUITE APART FROM THESE MATTERS WHICH ARE PERHAPS PARTLY CONSTITUTIONAL, PARTLY INTERNATIONAL LAW, PARTLY DOMESTIC LAW

AND WHOLLY ECONOMIC WE ARE ALSO ABLE TO PRAY IN AID THE PRINCIPLES EMBODIED IN THE 1958 CONVENTION ON THE CONTINENTAL SHELF TO WHICH REFERENCE MUST BE MADE IN INTERNATIONAL LAW TO JUSTIFY THE LEGISLATION OF BOTH OUR COUNTRIES WITH REGARD TO WHAT CONSTITUTES THE NATURAL RESOURCES OF THE CONTINENTAL SHELF OF BOTH OUR COUNTRIES.

IT IS THEREFORE TO THIS COMBINATION OF CONSIDERATIONS WHICH I WISH TO DIRECT YOUR ATTENTION AS I CONCEIVE IT INCUMBENT UPON US TO EXPRESS THEM TO YOU SO THAT YOU WILL HAVE AN UNDERSTANDING OF OUR POINT OF BEGINNING.

SINCE INDEPENDENCE, IT IS FAIR TO SAY THAT BOTH OUR COUNTRIES HAVE ALWAYS APPROACHED ANY PROBLEMS WHICH HAVE ARISEN AND DEALT WITH MATTERS OF COMMON INTEREST IN A SPIRIT OF GOOD NEIGHBOURLINESS AND FRIENDSHIP BECAUSE THE PEOPLES OF BOTH OUR COUNTRIES BELIEVE IN THE RULE OF LAW AND THAT CONFRONTATION AND VIOLENCE IS ABHORRENT TO CIVILISED SOCIETIES IN WHICH THE FORCES OF LOGIC REASON AND LAW WILL ALWAYS ULTIMATELY PREVAIL.

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I WISH THEREFORE TO ASSURE YOUR DELEGATION THAT THE BAHAMAS GOVERNMENT WILL GIVE THE FULLEST AND MOST CAREFUL AND SYMPATHETIC CONSIDERATION TO SUCH SUBMISSIONS WHICH WE HAVE MET TO HEAR FROM YOU.

OPENING REMARKS BY MR. DAVID H. WALLACE, UNITED STATES DELEGATION, NASSAU, BAHAMAS, AUGUST 13, 1975

.4. MINISTER, I WOULD LIKE TO JOIN WITH AMBASSADOR WEISS IN EXPRESSING ON BEHALF OF OUR DELEGATION OUR VERY GREAT APPRECIATION FOR THE OPPORTUNITY TO MEET WITH YOU HERE IN YOUR BEAUTIFUL CAPITAL.

I AM PARTICULARLY HAPPY TO BE HERE AGAIN AFTER A LAPSE OF ABOUT 20 YEARS, WHEN I SPENT SOME TIME IN YOUR COUNTRY AS HEAD OF THE SPONGE AND CHAMOIS INSTITUTE AND INTERACTED WITH MR. ORIS RUSSELL ON THE CONSERVATION AND DEVELOPMENT OF THE NATURAL SPONGES AND THE CULTURE OF SPONGES ON ANDROS ISLAND.

WE ARE DISCUSSING NOW ANOTHER IMPORTANT MARINE ORGANISM. JUST AS SPONGES HAVE BEEN DECLARED CREATURES OF THE CONTINENTAL SHELF BY THE UNITED STATES, YOU NOW HAVE THE NEW BAHAMIAN LAW AND DECLARATION CONCERNING SPINY LOBSTER WHICH HAS IMPORTANT IMPLICATIONS FOR A NUMBER OF U.S. FISHERMEN WHO OVER THE YEARS HAVE BEEN FISHING FOR SPINY LOBSTER ON THE BAHAMIAN CONTINENTAL SHELF. I AM SURE THAT ALL OF US HERE SHARE A DESIRE TO ENSURE THE PROPER CONSERVATION OF THE SPINY LOBSTER STOCKS. I CAN ASSURE YOU THAT THE UNITED STATES ATTACHES THE UTMOST IMPORTANCE

TO THIS QUESTION AND I AM SURE THAT YOUR GOVERNMENT IS EQUALLY CONCERNED.

WE HOPE IN THE DAYS AHEAD TO DISCUSS WITH YOU, IN A FRANK AND FRIENDLY MANNER, THE SITUATION WE ARE FACED WITH AND TO SEE IF THERE IS NOT SOME WAY THE INTERESTS OF ALL CONCERNED CAN BE ACCOMMODATED. WE BELIEVE THAT IT WOULD BE IN THE INTEREST OF BOTH OUR COUNTRIES IF EQUITABLE ARRANGEMENTS BETWEEN OUR TWO GOVERNMENTS REGARDING SPINY LOBSTER COULD EMERGE FROM THESE DISCUSSIONS. IT IS OUR HOPE THAT SUCH ARRANGEMENTS COULD ENSURE THE CONSERVATION AND RATIONAL UTILIZATION OF THE SPINY LOBSTER RESOURCE, COULD PROVIDE THE PROPER ENFORCEMENT OF ANY CONSERVATION OR OTHER MEASURES AGREED TO, AND COULD SERVE TO STIMULATE THE

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CONTINUED DEVELOPMENT OF THE SPINY LOBSTER FISHERY IN YOUR COUNTRY.

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INR-07 LAB-04 NSAE-00 SIL-01 AID-05 CG-00 DOTE-00

CIEP-02 INT-05 IO-10 JUSE-00 NSF-02 OES-05 OMB-01

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SS-15 USIA-15 TRSE-00 SCSE-00 SCA-01 ACDA-10 /125 W

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 7065

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IN ADDITION TO REMOVING A POTENTIAL IRRITANT IN THE EXCELLENT

RELATIONS BETWEEN OUR TWO COUNTRIES, A REASONABLE AGREEMENT ON THIS RESOURCE PROBLEM IS, WE BELIEVE, OF SPECIAL IMPORTANCE AT THIS CRITICAL TIME OF INTERNATIONAL NEGOTIATIONS AIMED AT ESTABLISHING WORLDWIDE LAWS WITH RESPECT TO OCEAN RESOURCES.

MR. MINISTER, WE WOULD HOPE THAT WE CAN DISCUSS TWO ISSUES: (1) OUR HOPES AND DESIRES THAT YOU WILL BE ABLE TO ALLOW ACCESS TO YOUR SPINY LOBSTER RESOURCES BY A CONTROLLED NUMBER OF OUR FISHERMEN, TAKING INTO CONSIDERATION THE NEEDS OF CONSERVATION AND OTHER NEEDS OF YOUR GOVERNMENT, AND (2) OUR DESIRE IN THE UNITED STATES TO DEVELOP A LONG TERM LASTING AGREEMENT WITH YOUR COUNTRY--AS WE ARE SEEKING WITH OUR CANADIAN NEIGHBORS TO THE NORTH OF US AND OUR OTHER NEIGHBORS --TO UTILIZE THE FISHERY RESOURCES SHARED BETWEEN US. TO US THIS COULD MEAN RECIPROCITY OF FISHING, JOINT CONSERVATION REGULATIONS, A MUTUALLY AGREED LICENSING SYSTEM, JOINT ENFORCEMENT WHERE FEASIBLE, AND A COMMITMENT ON THE PART OF BOTH PARTIES TO WORK TOGETHER FOR THE PROPER USE OF THESE MARINE RESOURCES.

THE UNITED STATES BELIEVES, AND I AM SURE OUR SENTIMENTS ARE SHARED BY ALMOST EVERYONE, THAT THE WORLD FOOD SITUATION DEMANDS UNCLASSIFIED

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THAT EVERY EFFORT BE MADE TO UTILIZE WIDELY AVAILABLE FOOD RESOURCES. THIS IS TRUE WITH RESPECT TO ALL PROTEIN, AND IN THIS CONTEXT THE QUESTION OF ENSURING THE OPTIMUM PRODUCTION OF FISHERIES RESOURCES IS ESPECIALLY IMPORTANT.

WHILE WE HOPE THAT THE LOBSTER STOCKS OF THIS AREA, AS WELL AS THE FISHERY STOCKS OF ALL AREAS, WILL BE UTILIZED TO THE OPTIMUM EXTENT POSSIBLE, AND THE OPPORTUNITY PROVIDED FOR OUR FISHERMEN TO SHARE IN THE HARVEST, WE UNDERSTAND THE DESIRE OF THE BAHAMIAN GOVERNMENT TO DEVELOP ITS OWN NATIONAL LOBSTER INDUSTRY AND TO HAVE ITS OWN PEOPLE UTILIZE IN THE FUTURE THESE RESOURCES AS MUCH AS THEY CAN. WE SEE NO CONFLICT HERE. THE UNITED STATES COMMENDS THE BAHAMAS IN ITS EFFORTS, AND BELIEVES THAT AMICABLE FISHING ARRANGEMENTS BETWEEN OUR TWO COUNTRIES CAN ONLY FACILITATE THIS DEVELOPMENT WHICH WILL ACCRUE BENEFITS TO YOUR COUNTRY AND OURS AS WELL. THE UNITED STATES HAS A SHORT TERM CONCERN NOW WHICH WE FEEL SHOULD BE ADDRESSED WHILE WE SEEK TO DEVELOP WITH YOU AN AGREEMENT WHICH WILL COME TO GRIPS WITH VARIOUS CONCERNS ABOUT WHICH WE ARE THINKING.

AS YOU KNOW, THE UNITED STATES HAD DECLARED A NUMBER OF SPECIES AS CREATURES OF OUR CONTINENTAL SHELF. IN EACH CASE, WHERE AN ESTABLISHED FISHERY HAD EXISTED ON SUCH A SPECIES, WE ENTERED INTO NEGOTIATIONS WITH THE COUNTRY OR COUNTRIES UTILIZING SUCH A RESOURCE TO ASSERT OUR JURISDICTION WITH A MINIMUM OF IMPACT AND DISRUPTION TO THOSE WHO HAD BEEN UTILIZING THE RESOURCE UP TO THAT TIME.

MR. MINISTER, WE SOLICIT YOUR INDULGENCE IN DEALING WITH THE PROBLEM OF FISHING FOR THE SPINY LOBSTER IN YOUR WATERS. THE QUESTION OF YOUR RIGHT TO MAKE AN ASSERTION THAT SPINY LOBSTERS ARE A CREATURE OF YOUR SHELF IS NOT AN ISSUE AS FAR AS WE ARE CONCERNED. WE ARE CONCERNED THAT OUR FISHERMEN HAVE AN OPPORTUNITY TO CONTINUE THEIR PURSUITS, WHICH THEY HAVE ENGAGED IN FOR A NUMBER OF YEARS, SO THAT THEY CAN CONTINUE TO BE EMPLOYED TO PRODUCE A DESIRABLE PRODUCT AND MEET A NEED OF OUR CONSUMERS. WE HAVE FISHERMEN UNEMPLOYED AND UNABLE TO MAKE A LIVING NOW. WE ARE ANXIOUS TO DISCUSS THIS ISSUE WITH YOU. WE ARE READY AND WILLING TO EXPLORE ALL POSSIBLE WAYS THAT WOULD BE ACCEPTABLE TO YOUR GOVERNMENT AND ENABLE OUR FISHERMEN TO CONTINUE TO PURSUE THEIR LIVELIHOOD. WE ARE READY

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AND WILLING TO TRY TO DEVELOP AN AGREEMENT ACCEPTABLE TO YOUR COUNTRY WHICH WILL MEET THE IMMEDIATE NEEDS OF OUR FISHERMEN AND OUR INDUSTRY, BUT POSSIBLY EVEN MORE IMPORTANT, TO ESTABLISH THE FRAMEWORK FOR AN AMIABLE AND PROGRESSIVE WORKING RELATIONSHIP BETWEEN OUR TWO ADJACENT NATIONS FOR THE WISE USE OF OUR JOINT RESOURCES. WE COMMIT OURSELVES TO YOU TOWARD THIS GOAL. WE ARE READY TO NEGOTIATE FOR THIS GOAL. WE BELIEVE IT IS IN OUR MUTUAL INTEREST TO SEEK SUCH LONG TERM SOLUTIONS, AND I CAN ASSURE YOU WE ARE DEDICATED TO THIS PREMISE.

MR. MINISTER, I CAN ONLY APOLOGIZE FOR THE EXTENT OF MY REMARKS. I HOPE THAT I HAVE MADE IT CLEAR THAT WE ARE HERE TO EXPLORE WITH YOU HOW WE MAY RECONCILE AN IMMEDIATE PROBLEM FOR OUR FISHERMEN AND AT THE SAME TIME LAY THE FOUNDATION FOR A LONG TERM, LASTING AGREEMENT FOR THE WISE USE OF THE RESOURCES OF OUR REGION.

I WOULD NOT WANT TO END THESE REMARKS WITHOUT REITERATING AGAIN MY OPENING WORDS OF THANKS TO YOUR GOVERNMENT FOR ITS KIND OFFER TO ACT AS HOSTS TO THESE TALKS. WE COME TO YOUR LOVELY CITY IN THE SPIRIT OF GOOD WILL AND COOPERATION WHICH HAS CHARACTERIZED THE RELATIONS BETWEEN OUR TWO COUNTRIES. I SINCERELY BELIEVE THAT THIS SPIRIT, COMBINED WITH SOME HARD WORK AND A SERIOUS EFFORT BY ALL OF US HERE TODAY, WILL RESULT IN EQUITABLE ARRANGEMENTS SATISFACTORY TO BOTH OF OUR COUNTRIES.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHELLFISH, TEXT, FISHING DISPUTES, LOBSTERS, NEGOTIATIONS, PRESS RELEASES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NASSAU01306
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750281-0365
From: NASSAU
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750856/aaaabxll.tel
Line Count: 431
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OFA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 8
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 02 DEC 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 DEC 2003 by ThomasVJ>; APPROVED <07 JAN 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SPINY LOBSTER NEGOTIATION - JOINT PRESS RELEASE
TAGS: EFIS, BF, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006